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Attorney Docket No.: STUC-001

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**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

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Invention: **Athletic Shoe Protection System** )  
Serial No.: **10/629,140** )  
Filed: **7/29/2003** )  
1<sup>ST</sup> Inventor: **Stucke, Matthew** )  
Examiner: **Kavanaugh, John T** )  
Group Art Unit: **3728** )  
Attorney: **Michael S. Neustel** )

**APPLICANT'S RESPONSE TO  
FIRST OFFICE ACTION DATED AUGUST 16, 2004**

Sir:

**A. FEE CALCULATION**

No Additional Fees Due. Upon entry of the below amendment, the total number claims will be 20 or less, and the number of independent claims will be 3 or less.

**B. ELECTION OF SPECIES WITHOUT TRAVERSE**

Responsive to the USPTO communication mailed **August 16, 2004**, the Applicant elects Species Group No. I. identified by as-filed Claims 1-9. This election is made without prejudice.

**C. CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that

a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone the undersigned.

Respectfully submitted,



September 15, 2004

Michael S. Neustel (Reg. No. 41,221)  
NEUSTEL LAW OFFICES, LTD  
2534 South University Drive, Suite No. 4  
Fargo, North Dakota 58103

Date

Telephone: (701) 281-8822  
Facsimile: (701) 237-0544  
e-mail: [michael@neustel.com](mailto:michael@neustel.com)



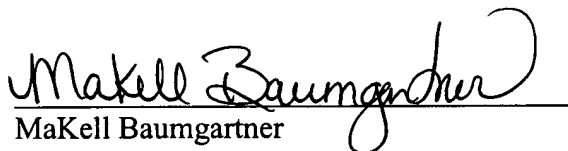
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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with proper postage as First Class mail in an envelope addressed to:

**Mail Stop Non-Fee Amendment**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

on September 15, 2004.

  
MaKell Baumgartner

NEUSTEL LAW OFFICES, LTD  
2534 South University Drive, Suite No. 4  
Fargo, North Dakota 58103

Telephone: (701) 281-8822  
Facsimile: (701) 237-0544  
e-mail: [michael@neustel.com](mailto:michael@neustel.com)